BILL NO. S-88-12-30

SPECIAL ORDINANCE NO. S-40-89

AN ORDINANCE approving the awarding of Reference #1356 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Hamilton Hunter Builders, Inc. for the Parks Department.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #1356 between the City of Fort Wayne, by and through its Department of Purchasing and Hamilton Hunter Builders, Inc. for the Parks Department, respectfully for:

> the Reservoir Park sidewalk improvements (remove and replace sidewalk in Reservoir Park around pond, to include improving drainage and subbase, and final grading and seeding) for the Parks Department;

involving a total cost of Sixty-Two Thousand Nine Hundred Seventy-Five and no/100 Dollars ($62,975.00), all as more particularly set forth in said Reference #1356 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Samuel K. Talarico
Councilmember

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay
J. Timothy McCaulay, City Attorney

REFERENCE NO. 1356
PARK DEPARTMENT
RESERVOIR PARK

DESCRIPTION	HAM HUNTER	MCCOMB	CONST MGMT	MOELLERING
BASE BID	$58,029.00	$81,000.00	$63,413.00	$82,700.00
ALTERNATE C	$4,946.00	$5,600.00	$5,060.00	$16,500.00
	$62,975.00	$86,600.00	$68,473.00	$99,200.00

INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
219-427-1101

BID OPENING DATE: 12 15 88 BID REFERENCE # 1356

BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A. M., ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS AND SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER."

THIS INVITATION FOR BID IS FOR RESERVOIR PARK POND:

PERIMETER SIDEWALK IMPROVEMENTS

AND REQUESTED BY BOARD OF PARK COMMISSIONERS .

PLEASE RETURN THIS FORM AND/OR ANY OF THE OTHER FORMS AS REQUESTED ON THE THE SHEET OF CONTENTS WITH YOUR SEALED BID.

THIS BID REQUIRES A X 5% BID BOND OF ALL BIDDERS.

THIS BID REQUIRES A X 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: none % IF PAID WITHIN _____ DAYS.

THE CITY OF FORT WAYNE IS EXEMPT FROM FEDERAL EXCISE AND INDIANA STATE SALES TAX. THE CITY'S INDIANA SALES TAX EXEMPTION CERTIFICATE NUMBER IS 356-001-255-0013. PRICES SHOULD NOT INCLUDE THESE TAXES.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME HAMILTON HUNTER BUILDERS,INC.

STREET ADDRESS 915 So. Lafayette

CITY Fort Wayne, Indiana 46802

BY Hamilton Hunter PHONE 423-3577
REPRESENTATIVE SIGNATURE

SCHEDULE

The contractor agrees to furnish at his/her/its own cost all labor, insurance, materials, equipment, and power for the complete performance of the projects.

All work will be performed in accordance with: the IFB, this contract and the applicable plans, specifications, and drawings for a TOTAL PRICE of $ 58,029.00. (If unit prices are applicable, the contractor agrees to perform for those unit prices as set forth in the Schedule of Unit Prices attached hereto).

The services shall be commenced by not specified (date of award of contract unless otherwise specified) and completed by not specified.

/X/ LIQUIDATED DAMAGES PROVISION. This clause shall be applicable to this contract only if the box contains a check-mark or "X".

It is hereby agreed by and between the City of Fort Wayne and contractor that time is of essence of this agreement and the contractor agrees that it will complete the project as herein defined on or before not specified. The parties agree that it is a business and government necessity that the project be completed by this date. The parties agree that in the event the project is not completed by this date that it will be difficult or impossible to make an accurate determination of the damages that would be incurred by the City of Fort Wayne, and therefore provide for liquidated damages in the sum of $ not specified per day as a reasonable estimate as to the damages which would be incurred by the City of Fort Wayne. The parties further agree that causes beyond the control of the contractor may delay the completion date. Therefore, the parties agree that delays in the completion date beyond the control of the contractor shall not result in the liquidated damages.

Delays beyond the control of the contractor can include but are not necessarily limited to, the following: Acts of God, strikes, lockouts or industrial disturbances, acts of public enemies, restraining orders of any kind by the government of the United States of America or the State of Indiana or any of their departments, agencies, or officials, or any civil or military authority, insurrections, riots, landslides, earthquakes, fires, incapacitating storms, floods, and explosions.

TAB SHEET

TOTAL PRICE: $58,029.00

ALTERNATE "A": (BENCHES & ASSOCIATED CONCRETE SUPPORT PADS)
$ 4,143.00

ALTERNATE "B": (PERIMETER LIGHT FIXTURE BASES/CONDUIT SYSTEM)
$ 23,370.00

ALTERNATE "C": (GRADING, SEEDING, LAWN MAINTENANCE)
$ 4,946.00

Note: We acknowledge that we received Addenda No. 1 dated 12/12/88.

RESERVOIR PARK IMPROVEMENTS

SUPPLEMENTARY BID FORM

The following Alternates to the Base Bid shall be included as past of the Bid Form:

1. Alternate Bid "A" - (Benches and Associated concrete Support Pads)
   Add to the Base Bid the costs for furnishing and installing all the concrete bench support pads and benches as shown on the plans.

FOUR-THOUSAND ONE-HUNDRED FORTY-THREE 00/100 Dollars ($ 4,143.00)

2. Alternate "B" - (Perimeter Light Fixture Bases/Conduit System)
   Add to the Base Bid the costs for furnishing and installing all the new ornamental light pole fixture foundations around the perimeter of the existing pond, including all required underground conduit complete with pull wires to extend power from the basement electrical room of the Cooper Center as shown on the plans.

TWENTY-THREE THOUSAND THREE-HUNDRED SEVENTY 00/100 Dollars ($23,370.00)

3. Alternate "C" - (Grading, Seeding, Lawn Maintenance)
   Add to the Base Bid the costs for furnishing and installing all final grading, seeding, and lawn maintenance as shown on the plans.

FOUR-THOUSAND NINE-HUNDRED FORTY-SIX 00/100 Dollars ($ 4,946.00)

UNIT COST: Submit with bid a unit cost per each 5' x 5' concrete walk unit. The unit cost shall include the furnishing and installation of the 5' x 5' x 5" area of concrete; the 5' length of concrete curb edge; preparation and compaction of the subbase; reinforcing bar and welded wire mesh; concrete curing; and all other miscellaneous work necessary to provide a completed 5' x 5' concrete walk area all according to the drawings and specifications. This cost shall include all overhead and profit and shall be used for additions to the required work shown on the construction documents.

TWO HUNDRED FIFTY 00/100 DOLLARS ($ 250.00)

TAB SHEET

TOTAL PRICE: $58,029.00

ALTERNATE "A": (BENCHES & ASSOCIATED CONCRETE SUPPORT PADS)
$4,143.00

ALTERNATE "B": (PERIMETER LIGHT FIXTURE BASES/CONDUIT SYSTEM)
$23,370.00

ALTERNATE "C": (GRADING, SEEDING, LAWN MAINTENANCE)
$4,946.00

Note: We acknowledge that we received Addenda No. 1 dated 12/12/88.

RESERVOIR PARK IMPROVEMENTS

SUPPLEMENTARY BID FORM

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1. Alternate Bid "A" - (Benches and Associated concrete Support Pads)
   Add to the Base Bid the costs for furnishing and installing all the concrete bench support pads and benches as shown on the plans.

FOUR-THOUSAND, ONE-HUNDRED FORTY-THREE 00/100 Dollars ($ 4,143.00)

2. Alternate "B" - (Perimeter Light Fixture Bases/Conduit System)
   Add to the Base Bid the costs for furnishing and installing all the new ornamental light pole fixture foundations around the perimeter of the existing pond, including all required underground conduit complete with pull wires to extend power from the basement electrical room of the Cooper Center as shown on the plans.

TWENTY-THREE THOUSAND THREE-HUNDRED SEVENTY 00/100 Dollars ($23,370.00)

3. Alternate "C" - (Grading, Seeding, Lawn Maintenance)
   Add to the Base Bid the costs for furnishing and installing all final grading, seeding, and lawn maintenance as shown on the plans.

FOUR-THOUSAND NINE-HUNDRED FORTY-SIX 00/100 Dollars ($ 4,946.00)

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TWO HUNDRED FIFTY 00/100 DOLLARS ($ 250.00)

Hamilton, HUNTER
BUILDERS, INC.
915 SOUTH LAFAYETTE ST. FORT WAYNE, INDIANA 46802
PHONE 219/423-3577

Date: December 15,1988

To: Dept. of Purchasing
City of Ft. Wayne,Allen County,Ind.
One Main Street, Room 350

For: Improvement to
Reservoir Park Facilities

Re: Supplement to Form No. 96
(Revised 1987), Part II

Section II plan and equipment questionnaire:

1. a. Obtain necessary permit
   b. Prepare for proper personal facilities, and safety standards.
   c. Demolition
   d. Underground construction
   e. Concrete walkways and wall repair
   f. Landscaping
   g. Clean-up, punch-out

2. Yes:
   a. Hofmann Construction - concrete
   b. Long Electric -- electrical
   c. McVae Landscape - landscape

3. Backhoe, forms, hand tools, etc. -- any equipment necessary to complete the requirements.

4. Yes

ATTACHMENT C

CERTIFICATION OF BIDDER/VENDOR

The undersigned, on behalf of HAMILTON HUNTER BUILDERS, INC. _____, does hereby make the following representations to the City of Fort Wayne, Indiana.

WHEREAS, it is acknowledged that the Common Council of the City of Fort Wayne, Indiana, has passed an ordinance condemning the apartheid policies of the country of South Africa;

WHEREAS, Council's ordinance requires that all persons, firms or corporations submitting bids to the City, for goods and services, certify, as part of the bid, that such entity does not support the policies of apartheid in South Africa.

The undersigned states, on behalf of Hamilton Hunter, Jr. _____, that HAMILTON HUNTER BUILDERS, INC. _____ does not support or endorse the policy of apartheid in South Africa.

IN WITNESS WHEREOF, this Certification has been signed this 15 day of December, 1988.

HAMILTON HUNTER BUILDERS, INC.
(Name of Bidder/Vendor)

Hamilton Hunter, Jr.
HAMILTON HUNTER, JR. PRESIDENT
(Name and Title of Person Signing)

Transamerica
Insurance Services

Transamerica Insurance Company
A Stock Company / Home Office: Los Angeles, California

Bid Bond

Approved by The American Institute of Architects
A.I.A. Document No. A-310 (February 1970 Edition)

KNOW ALL MEN BY THESE PRESENTS, that we HAMILTON HUNTER BUILDERS, INC.

as Principal, hereinafter called the Principal, and TRANSAMERICA INSURANCE COMPANY, a corporation duly organized under the laws of the State of California, as Surety, hereinafter called the Surety, are held firmly bound unto

BOARD OF PARK COMMISSIONERS

as Obligee, hereinafter called the Obligee, in the sum of

Five Per Cent (5%) of Maximum Bid ---------- Dollars ($----------),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for

Reservoir Park Pond - Ref. # 1356

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or contract documents with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 15th day of December A.D. 19 88

Dan A. Firestine

HAMILTON HUNTER BUILDERS, INC. (Seal)
Principal

BY: Hamilton Hunter, Jr.
Title

YASTE, ZENT & RYE AGENCY, INC.

Kathleen L. Conrad

Transamerica Insurance Company (Seal)
Surety

By: Donald [illegible]
Attorney-in-Fact

(8/80)

Transamerica
Insurance Services

Transamerica Insurance Company
A Stock Company / Home Office: Los Angeles, California

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS:

That **TRANSAMERICA INSURANCE COMPANY**, a corporation of the State of California, does hereby make, constitute and appoint --- Gerald A. Dahle, John J. Pikel, Donald T. Belbutowski, or Diane T. Green, each individually of Fort Wayne, Indiana---

its true and lawful Attorney(s)-in-Fact, with full power and authority, for and on behalf on the Company as surety, to execute and deliver and affix the seal of the Company thereto, if a seal is required, bonds, undertakings, recognizances or other written obligations in the nature thereof, as follows: --- any and all bonds or undertakings UNLIMITED in amount, in any single instance, for or on behalf of this Company in its business, and in accordance with its charter,---

and to bind **TRANSAMERICA INSURANCE COMPANY** thereby, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This appointment is made under and by authority of the following by-laws of the Company which by-laws are now in full force and effect.

ARTICLE VII

SECTION 30. All policies, bonds, undertakings, certificates of insurance, cover notes, recognizances, contracts of indemnity, endorsements, stipulations, waivers, consents of sureties, re-insurance acceptances or agreements, surety and co-surety obligations and agreements, underwriting undertakings, and all other instruments pertaining to the insurance business of the Corporation, shall be validly executed when signed on behalf of the Corporation by the President, any Vice President or by any other officer, employee, agent or Attorney-in-Fact authorized to so sign by (i) the Board of Directors, (ii) the President, (iii) and Vice President, or (iv) any other person empowered by the Board of Directors, the President or any Vice President to give such authorization; provided that all policies of insurance shall also bear the signature of a Secretary, which may be a facsimile, and unless manually signed by the President or a Vice President, a facsimile signature of the President. A facsimile signature of a former officer shall be of the same validity as that of an existing officer.

The affixing of the corporate seal shall not be necessary to the valid execution of any instrument, but any person authorized to execute or attest such instrument may affix the Corporation's seal thereto.

This Power of Attorney is signed and sealed by a facsimile under and by the authority of the following resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 17th day of October 1963.

"Resolved, That the signature of any officer authorized by the By-laws and the Company seal may be affixed by facsimile to any power of attorney or special power of attorney or certification of either given for the execution of any bond undertaking, recognizance or other written obligation in the nature thereof; such signature and seal, when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, TRANSAMERICA INSURANCE COMPANY has caused these presents to be signed by its proper officer and its corporate seal to hereunto affixed this 21st day of July ,19 87

By J.H. Tanner, Vice President

State of California)
County of) ss

On this 21st day of July , 19 87 , before me Hazel Yamasawa, a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared J.H. Tanner personally known to me (or proved to me on the basis of satisfactory evidence) to be a Vice President of **TRANSAMERICA INSURANCE COMPANY** the corporation whose name is affixed to the foregoing instrument; and duly acknowledged to me that he knows the seal of said Corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

OFFICIAL SEAL
HAZEL YAMASAWA
NOTARY PUBLIC-CALIFORNIA
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
My Commission Expires Sept. 30, 1988

Hazel Yamasawa, Notary Public
in and for the County of Los Angeles, California

1719 D

(Continued)

6-86

ACCEPTANCE

The above bid is accepted this _____ day of _____, 19____, subject to the following conditions: _____

_____

Contracting Authority Members:

_____ _____

_____ _____

_____ _____

PART II

(Complete sections I, II, III and IV for all state and local public works projects as required by statutes.)

Governmental Unit: Fort Wayne Park & Recreation

Bidder (Firm): Hamilton Hunter Builders, Inc.

Date: 12-15-88

These statements to be submitted under oath by each bidder with and as a part of his bid. Attach additional pages for each section as needed.

SECTION I EXPERIENCE QUESTIONNAIRE

1. What public works projects has your organization completed?

Contract Amount	Class of Work	When Completed	Name and Address of Owner
$45,000.00	Hamilton Park Pavilion	1984	Fort Wayne Parks - Lawton Park
$35,000.00	Lakeside Park Pavilion	1983	Fort Wayne Parks - Lawton Park
$13,500.00	Hanna Park [illegible]	[illegible]	[illegible]

statutory obligation to use steel products made in the United States. I.C. 5-16-8-2. I hereby certify that I and all subcontractors employed by me for this project will use U.S. steel products on this project if awarded. I understand that violations hereunder may result in forfeiture of contractual payments.

NON-COLLUSION AFFIDAVIT

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

OATH AND AFFIRMATION

I affirm under the penalties of perjury that the foregoing facts and information are true and correct to the best of my knowledge and belief.

Dated at Thursday 11:00 A.M. this 15 day of December, 1988.

HAMILTON HUNTER BUILDERS, INC.
(Name of Organization)

By Hamilton Hunter, Jr.

President Hamilton Hunter, Jr.
(Title of Person Signing)

ACKNOWLEDGEMENT

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

HAMILTON HUNTER, JR being duly sworn, deposes and says that he is PRES. (Title) of the above HAMILTON HUNTER BUILDER, INC (Name of Organization) and that the statements contained in the foregoing bid, certification and affidavit are true and correct.

Subscribed and sworn to before me this 15th day of December, 1988

Joy Hunter
Notary Public

My Commission Expires: 8/26/91

County of Residence: Allen

JOY HUNTER
Notary Public Printed Name

Read the first time in full and on motion by Talarico, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____.M.,E.S.T.

DATED: 12-27-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Talarico, seconded by Stier, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	6	1	2	
BRADBURY	✓			
BURNS		✓		
GiaQUINTA	✓			
HENRY	✓			
LONG			✓	
REDD	✓			
SCHMIDT			✓	
STIER	✓			
TALARICO	✓			

DATED: 2-28-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ (APPROPRIATION) ~~(GENERAL)~~ (SPECIAL) ~~(ZONING~~ MAP) ORDINANCE ~~RESOLUTION~~ NO. S-40-89 on the 28th day of February, 19 89,

ATTEST
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Charles S. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 1st day of March, 1989, at the hour of 1:30 o'clock P.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 7th day of March, 19 89, at the hour of 9:20 o'clock P.M.,E.S.T.

P. Helmke
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

1-88-12-30

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Reference No. 1356 with respect to Reservoir Park sidewalk improvements for the Park Department. The cost reflects the lowest and most responsible of four (4) vendors.

EFFECT OF PASSAGE: Remove and replace sidewalk in Reservoir Park around pond, to include improving drainage and subbase, and final grading and seeding.

EFFECT OF NON-PASSAGE: Existing sidewalk unsafe and a liability.

MONIES INVOLVED: Hamilton Hunter $62975.00

SOURCE OF FUNDING: Park Department
Fund Line: 121-121-P220-4361

BILL NO. S-88-12-30

REPORT OF THE COMMITTEE ON PUBLIC WORKS

WE, YOUR COMMITTEE ON PUBLIC WORKS TO WHOM WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving the awarding of Reference #1356 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Hamilton Hunter Builders, Inc. for the Parks Department

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~)

YES	NO
SAMUEL J. TALARICO CHAIRMAN	
DONALD J. SCHMIDT VICE CHAIRMAN	
DAVID C. LONG	
MARK E. GiaQUINTA	
PAUL M. BURNS	

CONCURRED IN 2-28-89.

Sandra E. Kennedy
City Clerk